

GOVERNMENT OF PUDUCHERRY

LABOUR DEPARTMENT

(G.O. Rt. No. 135/Lab./AIL/J/2012, dated 23rd August 2012)

NOTIFICATION

Whereas the Award in I.A. No. 98 of 2011 in I.D. No. 5 of 2011, dated 20-12-2011 of the Industrial Tribunal, Puducherry in respect of the industrial dispute between the management of M/s. Tamil Nadu State Transport Corporation Limited, Puducherry and Puduvai Pradesa Pokkuvarathu Thozhilalar Sangam over charter of demands has been received;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947) read with the notification issued in Labour Department's G.O. Ms. No. 20/91/Lab./L, dated 23-5-1991, it is hereby directed by Secretary to Government (Labour) that the said Award shall be published in the official gazette, Puducherry.

(By order)

G. SRINIVAS,

Joint Secretary to Government (Labour).

**BEFORE THE INDUSTRIAL TRIBUNAL
AT PUDUCHERRY**

Present : Thiru T. RAMASAMY, M.A., B.L.,
Principal District Judge,
Presiding Officer.

*Tuesday, the 20th day of December 2011***I.A. No. 98 of 2011****in****I.D. No. 5 of 2011**

V. Subramanian .. Petitioner

Versus

The Branch Manager,
M/s. Tamil Nadu State Transport
Corporation Limited,
Puducherry Branch, Puducherry .. Respondent

This petition coming on 28-11-2011 for final hearing before me in the presence of Thiru Durai Arumugam, representative for the petitioner and Thiru N. Vinayagam, Advocate for the respondent upon hearing both sides and perusing the case records and having stood over for consideration till this day, this court delivered the following:

ORDER

Petition under section 33 A of the Industrial Disputes Act praying for an order directing the respondent to reinstate the protected petitioner into service in the same place at Puducherry depot by setting aside the illegal order dated 30-7-2011 passed by the management with back wages, continuity of service and to impose penalty on the Managing Director and the General Manager of the respondent management for the unlabour practices committed by them.

2. It is the case of the President of the petitioner union, viz., Puduvai Pradesa Pokkuvarathu Thozhilalar Sangam that I.D. No. 5 of 2011 is pending before this Industrial Tribunal on a reference from the Government, the petitioner V. Subramanian was dismissed from service illegally and that the dismissal of the employee is illegal in terms of section 33 (3) (b) of the Industrial Disputes Act as no express prior permission was obtained by the employer for taking action against the employee for his alleged misconduct, who is office bearers of the petitioner's union/workman in the respondent management.

3. In the counter, the respondent/management has submitted that the Tamil Nadu Transport Corporation's main office is functioning at Villupuram and its depot at Puducherry. The petitioner joined as a Driver on 12-6-2001. He was made permanent on 1-9-2005. On 5-12-2011 he was the Driver of the bus TN-32-N-2639 on the route Thiruvananthapuram to Puducherry and that at about 12.00 noon when the bus reached Villupuram bus stand, checkers inspected bus and the petitioner was found having a cell phone kept in his pocket with a card tied around his neck. When he was questioned, he refused to part with the cell phone and abused the checkers in filthy language. He refused to sign the complaint about the incident prepared by the checkers and the petitioner wantonly parked the vehicle across the road, near the entrance of the head office. Thereafter, the bus was driven by a substitute driver by name Venkatesan. Since the petitioner caused loss of revenue and brought disrepute to the functioning of the respondent Corporation, action was taken against him, he was placed under suspension on 18-2-2011. He denied the charges. He was dodged to participate in the enquiry even after sufficient opportunity given on various dates such as 17-3-2011, 31-3-2011, 18-4-2011 and 18-5-2011. Enquiry was conducted, thereafter, he was dismissed from service on 30-7-2011. In the main industrial dispute raised, the claim statement was filed by the petitioner union on 20-7-2011. But for the misconduct committed by the petitioner on 5-2-2011 action had been taken against him, even prior to the filing of this petition. The Labour Commissioner, Chennai was informed about the dismissal of the petitioner. The issues raised in the main industrial dispute are different from the present one.

The respondent/management denied that the petitioner gave a letter on 10-3-2011 for treating the office bearers as protective workmen. Hence, the prayer to dismiss the petition.

4. *The points for determination are:*

(1) Whether the dismissal order of the petitioner V. Subramanian is justified or not?

(2) To what relief, the petitioner is entitled?

5. The petitioner examined himself as PW.1 and marked Exs.P.1 to P11. On the side of the respondent, the Superintendent of the respondent/management was examined as RW.1 and Exs.R1 to R28 were marked.

On this point:

6. It is an admitted fact that the petitioner was a permanent Driver in the respondent Corporation. He was dismissed from service on 30-7-2011 after enquiry. The allegation against the petitioner is that there was checking conducted at Villupuram when the bus nearing Villupuram bus stand, of which the petitioner was the driver of the bus bearing Registration No. TN-32-N-2639 which was bound from Puducherry to Thiruvannamalai and that he was found keeping a mobile phone in his shirt pocket. When the checker wanted the petitioner to part with the cell phone, he refused to give it and that abused the checker in filthy language and thereafter, he drove the bus to the head office and parked it in front of the entrance of the head office and thereafter the bus was operated by a substitute driver by name one Venkatesan. The case of the respondent is that the petitioner was initially placed under suspension and subsequently enquiry was conducted, in which though, sufficient opportunities were given, he did not participate in the enquiry. Thereafter, since the charges against him were held proved, he was dismissed from service.

7. It is the further case of the respondent that the main I.D. No. 5/2011 is for different demands of reference and the dismissal of the petitioner which was for an incident, which took place prior to the institution of the main industrial dispute. This Tribunal has no jurisdiction and that it is a Tribunal in Tamil Nadu which has the jurisdiction to entertain the petition.

8. Admittedly, the depot of the respondent Corporation is situated in Puducherry. RW.1 admitted in his cross-examination that in the depot nearly 400 workmen are working. The respondent did not deny that the petitioner was a Driver in the depot working at Puducherry. Though the head office is situated at Villupuram, because the depot is at Puducherry in which the petitioner was working prior to the dismissal, this Tribunal has jurisdiction and the contention of respondent in this regard is rejected.

9. As regards the question whether the petitioner can bring this dispute of his dismissal from service in the main industrial dispute section 33-A reads as follows:

33A. *Special provision for adjudication as to whether conditions of service, etc., changed during pendency of proceeding:—*

Where an employer contravenes the provisions of section 33 during the pendency of proceedings [before a Conciliation Officer, Board, an Arbitrator, Labour Court, Tribunal or National Tribunal] any employee aggrieved by such contravention, may make a complaint in writing, [in the prescribed manner,—

(a) to such Conciliation Officer or Board, and the Conciliation Officer or Board shall take such complaint into account in mediating in, and promoting the settlement of, such industrial dispute; and

(b) to such arbitrator, Labour Court, Tribunal or National Tribunal and on receipt of such complaint, the arbitrator, Labour Court, Tribunal or National Tribunal, as the case may be, shall adjudicate upon the complaint as if it were a dispute referred to or pending before it, in accordance with the provisions of this Act and shall submit his or its award to the appropriate Government and the provisions of this Act shall apply accordingly].

10. It is to be pointed out that section 33-A provides that during the pendency of an industrial dispute before the Tribunal for adjudication, the management shall not take any action without the prior permission of the Tribunal in which the case is pending and if any action is taken without the permission of the Tribunal, then it amounts to violation of the provisions of section 33-A. For which the affected workman can bring a complaint before the same Tribunal in which the main industrial dispute is pending.

11. The petitioner union made a representation on 24-5-2010 for redressal of their various demands and there was conciliation conducted before the Conciliation Officer, Labour Department, Government of Puducherry. But there was failure of conciliation, with the result, the Government referred the main industrial dispute for adjudication before this Tribunal *vide* G.O. Rt. No.114/AIL/Lab./J/2011, dated, 1-6-2011, to decide the following:

(a) Whether the dispute raised by Pudukai Pradesa Pokkuvarathu Thozhilalar Sangam, Puducherry against the manager of M/s. Tamil Nadu State Transport Corporation Limited, Puducherry over charter of demands such as fixing of working hours, intervals, KMPL (kilometer per liter) and shifts are justified? If so, to give appropriate directions.

(b) Whether the dispute raised by Puduval Pradesa Pokkuvarathu Thozhilalar Sangam against the management of M/s. Tamil Nadu State Transport Corporation Limited, Puducherry over the following other issues are justified?

(i) Illegal transfer of the petitioners *viz.*, Thiruvallargal (1) V. Ramakrishnan (2) R. Rajendiran and (3) P. Panchanadham from Puducherry to Tamil Nadu branches.

(ii) Illegal demotion of the petitioner Thiru K. Muruganandham.

(iii) Illegal reduction of wages to the petitioner Thiru M. Segar.

(c) If so, to give appropriate directions.

12. Thus it could be seen that the representation for settlement of various demands stated as early as 14-5-2010 itself and the incident complained of by the management regarding the petitioner V. Subramanian took place, on 5-2-2011. It is subsequent to the earlier representation dated 14-5-2010. The eventual dismissal after enquiry took place on 30-7-2011. This Tribunal was seized of the dispute on 7-6-2011 which is also prior to the date of dismissal of the employee.

13. It is the case of the petitioner that he was a protected workman, section 33 (3)(b) of the Industrial Dispute Act reads as follows:

33. *Conditions of service, etc., to remain unchanged under certain circumstances during pendency of proceedings:—*

(3) Notwithstanding anything contained in sub-section (2), no employer shall, during the pendency of any such proceeding in respect of an industrial dispute, take any action against any protected workman concerned in such dispute—

(b) by discharging or punishing, whether by dismissal or otherwise, such protected workman, save with the express permission in writing of the authority before which the proceeding is pending.

Explanation.— For the purposes of this sub-section, a 'protected workman', in relation to an establishment, means a workman who, being [a member of the executive or other office bearer] of a registered trade union connected with the establishment, is recognized as such in accordance with rules made in this behalf.

14. The respondent denied that the petitioner is a protected workman. Except for the bald denial, the respondent did not adduce any evidence in this regard. The petitioner union submitted a letter for treating the office bearers as protected workmen on 10-3-2011 in Ex.P7. The respondent did not let in any satisfactory

evidence that there was no letter handed over by the petitioner treating the office bearers as protected workmen. The member of the executive or the office bearer of the trade union is a protected workman as per the definition under section 33-A. The petitioner was the President of the petitioner union for the depot at Puducherry. This is evident under EX.P7 marked by the petitioner. The question as to whether the protected workman could be dismissed by the management when the main industrial dispute is pending before the Tribunal for redressal of various demands of the petitioner union of which the dismissed employee was the president. Obviously, without obtaining the permission of the Tribunal in which the main industrial dispute is pending, the protected workman cannot be dismissed from service.

15. The respondent would contend that despite sufficient opportunities granted to the petitioner, he did not participate in the enquiry. Admittedly the enquiry had been conducted without his participation, which means it was an enquiry conducted *ex parte*. The law requires that there should not be any violation of natural justice. Any order passed *ex parte* cannot be considered in the eye of law to be an order on merits.

16. An opportunity has to be given to the petitioner by issuing direction to the petitioner to participate in the enquiry to be conducted afresh, the order of dismissal based on the *ex parte* enquiry report is liable to be set aside and the petitioner is ordered to be reinstated in service with full back wages and at the same time it is left open to the management to give sufficient opportunities to the petitioner to participate in the enquiry and the petitioner without adopting dilatory tactics shall participate in the enquiry to be conducted afresh. Accordingly, the points are answered.

17. In the result, the petition is allowed. The order of dismissal, dated 30-7-2011 is set aside with the following conditions:

(i) The petitioner shall be given full back wages till the date of reinstatement.

(ii) Enquiry shall be conducted afresh.

(iii) The petitioner shall not adopt dilatory tactics and shall participate the enquiry.

(iv) Thereafter the respondent shall pass orders on the charges against the petitioner.

Typed to my dictation, corrected and pronounced by me in the open court, on this the 20th day of December 2011.

T. RAMASAMY,
Principal District Judge,
Presiding Officer, Industrial Tribunal,
Puducherry.

List of witnesses examined on the side of the petitioner :

PW.1 — 18-10-2011 V. Subramanian

List of exhibits marked on the side of the petitioner :

- Ex.P1 — 18-10-2011 Copy of the appointment order of V. Subramanian, dated 23-4-2006.
- Ex.P2 — 18-10-2011 Copy of the resolution of the petitioner union's meeting, dated 15-11-2009.
- Ex.P3 — 18-10-2011 Copy of certificate of registration of petitioner's union, dated 16-3-2010.
- Ex.P4 — 18-10-2011 Copy of the letter by the petitioner's (union to the Labour Officer Conciliation), Puducherry, dated 24-5-2010.
- Ex.P5 — 18-10-2011 Copy of the failure report of the Labour Officer (Conciliation) to the Secretary to Government (Labour), Puducherry, dated 12-1-2011.
- Ex.P6 — 18-10-2011 Copy of the court notice
- Ex.P7 — 18-10-2011 Copy of the list of protected labours, dated 10-3-2011.
- Ex.P8 — 18-10-2011 Copy of the transfer order of K. Ramakrishnan, dated 29-5-2010 issued by the respondent management.
- Ex.P9 — 18-10-2011 Copy of the transfer order of P. Panchanathan, dated 7-10-2010 issued by the respondent management.
- Ex.P10 — 18-10-2011 Copy of the wages reduction order of Segar.
- Ex.P11 — 18-10-2011 Copy of the dismissal order of V. Subramanian, dated 30-7-2011.

List of witnesses examined on the side of the respondent :

RW.1 — 9-11-2011 K. Rajendiran

List of exhibits marked on the side of the respondent :

- Ex.R1 — 9-11-2011 Copy of the report of the checkers, dated 5-2-2011.
- Ex.R2 — 9-11-2011 Copy of charges by the respondent management to A. Segar, dated 5-2-2011.
- Ex.R3 — 9-11-2011 Copy of charges by the respondent management to A. Segar, dated 5-2-2011.

- Ex.R4 — 9-11-2011 Copy of test details of electronic ticket issuing machine, dated 5-2-2011.
- Ex.R5 — 9-11-2011 Copy of letter by A. Segar to the respondent, dated 5-2-2011.
- Ex.R6 — 9-11-2011 Copy of the statement of one Venkatesan, dated 5-2-2011.
- Ex.R7 — 9-11-2011 Copy of the circular by the respondent management, dated 6-5-2011.
- Ex.R8 — 9-11-2011 Copy of termination order of V. Subramanian, Driver, dated 5-2-2011.
- Ex.R9 — 9-11-2011 Copy of memorandum of charges, dated 18-2-2011.
- Ex.R10 — 9-11-2011 Copy of acknowledgment for receipt of Ex.R9.
- Ex.R11 — 9-11-2011 Copy of enquiry notice, dated 9-3-2011 issued to V. Subramanian.
- Ex.R12 — 9-11-2011 Copy of the letter by V. Subramanian, Driver to the respondent management, dated 14-3-2011.
- Ex.R13 — 9-11-2011 Copy of the letter by the respondent management to V. Subramanian, dated 18-3-2011.
- Ex.R14 — 9-11-2011 Copy of the enquiry notice, dated 18-3-2011.
- Ex.R15 — 9-11-2011 Copy of letter by V. Subramanian to the Enquiry Officer, dated 27-3-2011.
- Ex.R16 — 9-11-2011 Copy of enquiry notice, dated 6-4-2011.
- Ex.R17 — 9-11-2011 Copy of acknowledgment for receipt of Ex.R16.
- Ex.R18 — 9-11-2011 Copy of enquiry notice, dated 12-5-2011.
- Ex.R19 — 9-11-2011 Copy of acknowledgment for receipt of Ex.R18.
- Ex.R20 — 9-11-2011 Copy of the proceedings of internal enquiry, dated 18-5-2011.
- Ex.R21 — 9-11-2011 Copy of the report of the Enquiry Officer.
- Ex.R22 — 9-11-2011 Copy of the letter by the respondent management to V. Subramanian, dated 21-6-2011.
- Ex.R23 — 9-11-2011 Copy of acknowledgment for receipt of Ex.R22.
- Ex.R24 — 9-11-2011 Copy of the letter for calling explanation by the respondent management to V. Subramanian, dated 4-7-2011.

Ex.R25 —	9-11-2011	Copy of acknowledgment for receipt of Ex.R24.
Ex.R26 —	9-11-2011	Copy of the termination order, dated 30-7-2011 by the respondent management to V. Subramanian, Driver.
Ex.R27 —	9-11-2011	Copy of the salary certificate of V. Subramanian.
Ex.R28 —	9-11-2011	Copy of letter by the respondent management to the Labour Commissioner, Chennai for approval of dismissal of V. Subramanian, dated 30-7-2011.

T. RAMASAMY,
Principal District Judge,
Presiding Officer, Industrial Tribunal,
Puducherry.

**GOVERNMENT OF PUDUCHERRY
LABOUR DEPARTMENT**

(G.O. Rt. No. 137/Lab./AIL/J/2012, dated 23rd August 2012)

NOTIFICATION

Whereas, the Award in I. D. No.10 of 2009, dated 16-6-2012 of the Labour Court, Karaikal in respect of the industrial dispute between the management of M/s. Kiran Global Chemicals Limited., Karaikal and Tmt. R. Pushpa over termination of her service has been received;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947) read with the notification issued in Labour Department's G.O.Ms.No.20/91/Lab/L, dated 23-5-1991, it is hereby directed by Secretary to Government (Labour) that the said Award shall be published in the official gazette, Puducherry.

(By order)

G. SRINIVAS,
Joint Secretary to Government (Labour).

BEFORE THE LABOUR COURT, KARAİKAL

Present : Tmt. R. Margaret Rosaline, M.L.,
Presiding Officer, District Judge.

Saturday, the 16th day of June 2012

I.D. No. 10/2009

R. Pushpa . . . Petitioner

Versus

The Management,
M/s. Kiran Global Chemicals Limited.
Karaikal. . . Respondent

This petition coming on 4-6-2012 for final hearing before me in the presence of Thiru V. Govindassamy, Advocate for the petitioner, Thiru I. Anaiyappan, Advocate for the respondent, upon hearing both sides and perusing the case records and having stood over for consideration till this day, this court passed the following:

AWARD

This is a reference dated 11-9-2009 made by the Joint Secretary to Government of Puducherry, Labour Department to adjudicate the dispute between the petitioner and the respondent:

(a) Whether the termination of Tmt. R. Pushpa by the management of M/s. Kiran Global Chemicals Limited, Karaikal is justified or not?

(b) To what relief the petitioner is entitled to?

(c) To compute the relief if any, awarded in terms of money, if it can be so computed?

2. The following are the averments found in the claim statement:

The petitioner is a B.Sc graduate in Chemistry and who joined the respondent sister concern, namely Ezhil Chemicals Private Limited, Uthamacholapuram, Narimanam, as a Lab. Assistant on 20-9-1993. She worked as chemists in the laboratory. During the month of July 2008 she was transferred from Ezhil Chemicals Private Limited to Vanjore Unit, namely Kiran Global Chemicals Limited *vide* transfer order, dated 7-7-2008. The distance between her working place and her residential place is very long. She was not able to reach the factory in time occasionally on one or two times due to non-availability of the bus. As she was given office work as well work in factory laboratory she could not complete her work within eight hours and she did over time without any payment. Due to this she started suffering from acute neck pain and frequent fever. Apart from that her son was also suffering from jaundice. She took E.S.I leave from 27-8-2008 to 30-8-2008 and reported to duty on 1-10-2008. Again she applied for leave for four days from 6-10-2008 to 9-10-2008 which was also accepted by the respondent and on 9-10-2008 she reported to duty. However she was not permitted to enter into the factory by the Security. The petitioner immediately contacted the General Manager by telephone. She was permitted to meet the General Manager on 10-10-2008. The General Manager asked her to resign the job and get the settlement benefits. If she does not resign, the termination order would be given without any benefit. On 18-10-2008 she received a letter,

dated 15-10-2008 terminating her from the service. She was compelled to approach the Conciliation Officer, Karaikal. As the conciliation failed the dispute was referred. The petitioner is suffering without employment and without income and act of the respondent is motivated vindictiveness. Her termination is absolutely illegal, bad and perverse.

3. The respondent filed its written statement with the following averments:

It is true that the leave from 27-8-2008 to 29-8-2008 was allowed and after 29-8-2008 she did not return for duty and remained absent unauthorisedly. She filed leave application belatedly on 6-10-2008 and on 13-10-2008 and the same was rejected. Subsequently the petitioner remained absent. The petitioner is in the habit of committing unauthorised absenteeism in spite of warning and various punishments. As per the certified standing order "if any workman remained absent without leave or permission for more than eight consecutive days he shall be construed having voluntarily abandoned his employment and shall be deemed to have left the service". The order, dated 15-10-2008 is legal, binding on the petitioner. If this Hon'ble Court comes to conclusion that the order passed against the petitioner is not fair and proper the respondent may be provided with an opportunity to lead fresh evidence to prove the charges. The petitioner is not paid initially salary of ₹ 600 per month and her total emoluments is ₹ 5000 per month. The allegation that she was permanent resident of Kanglancherry is denied as false. It is further denied that on 9-10-2008 when she reported for duty she was prevented by the Security from entering into the factory. The allegation that the petitioner was terminated and the same amounts to retrenchment is denied as false. The allegation that on 10-10-2008 the General Manager asked her to resign the job and get the settlement benefits is also denied as false. Removal of the name of the petitioner is in accordance with the provisions of the standing orders of the respondent. Hence it prays for dismissal of the reference with costs.

4. *Now the points for determination are:*

(1) Whether the termination of the service of the petitioner by the management is justified or not?

(2) If not, to what relief the petitioner is entitled to?

On these pleadings :

5. In order to fortify his claim, the petitioner examined herself as PW.1 and marked Exs.P 1 to P 18. On the side of the respondent, one witness has been examined as RW.1 and Ex.R1 to R18 were marked through him.

6. *Point No. 1*

As per Ex.P4, the petitioner has got E.S.I identity card and as per Ex.P3 she has worked as Chemist in Kiran Global Chemicals Limited at Uthamacholapuram, Narimanam. The perusal of Ex.P2 reveals that the petitioner has worked as Office Assistant in Kiran Silicates Private Limited. As such the employment of the petitioner in the respondent-management cannot be denied as temporary worker at Kiran Global Chemicals Limited and Ezhil Chemicals Private Limited. It is also an admitted fact that the respondent-management has not conducted enquiry for the alleged unauthorised absence of the petitioner from 6-10-2008 to 9-10-2008. Though RW.1 has deposed that a domestic enquiry was conducted, the respondent-management has not chosen to produce any document to fortify the same. Even as per the standing orders of the company the employee can be terminated only after she is found absent unauthorisedly for the period of eight days continuously. The respondent-management ought to have conducted the domestic enquiry and passed the orders instead of passing the order terminated the petitioner from 15-10-2008. This act of the respondent is not justified. The perusal of Ex.R4 reveals that the respondent-management has issued a memo dated 18-9-2006 for violating the rules of the company. However there is no evidence to show that the said memo was received by the petitioner. Even Ex.R 7 is a memo issued to the petitioner having come late to the office and Ex.R6 is the reply given to it. There is no evidence produced by the respondent-management to show that the petitioner remained absent continuously for eight days without prior notice or approval in order to invoke the standing orders of the company. The petitioner has filed four days leave from 5-10-2008 to 8-10-2008 and she reported for duty on 9-10-2008. However the perusal Ex.P 16 reveals that the management is not having any certified standing orders. Therefore it is evident that the respondent management has terminated the services of the petitioner without following any rules or regulations prescribed by the enactments. Instead of conducting the domestic enquiry, terminating the petitioner from the services is found to be invalid. As such this court is of opinion that order of termination passed by the respondent/management by terminating the petitioner on 15-10-2008 is not justifiable. Hence point No.1 is answered in favour of the petitioner as against the respondent to the effect that the termination of the service of the petitioner by the respondent-management is not justifiable.

7. *Point No. 2*

In view of the findings of this court in point No.1, the petitioner is entitled for an order of re-instatement, with continuity of service and back wages.

In the result, the petition is allowed directing the respondent to re-instate the petitioner into service from the date of this order and the respondent is also directed to pay back wages from the date of the stoppage of work till re-instatement with continuity of service. No costs.

Dictated to the Stenographer, transcribed by her, corrected and pronounced by me in the open court on this the 16th day of June 2012.

R. MARGARET ROSALINE,
Presiding Officer, Labour Court,
Karaikal.

Petitioner's witnesses :

P. W. 1 — Pushpa.

Respondent's witnesses :

R. W. 1 — Gubendiran.

Petitioner's exhibits :

- Ex.P 1 — 22-10-2010 Identity card of the petitioner
- Ex.P 2 — 22-10-2010 Identity card of the petitioner
- Ex.P 3 — 22-10-2010 Identity card of the petitioner
- Ex.P 4 — 22-10-2010 E.S.I Card of the petitioner along with family photo, dated 1-10-1994.
- Ex.P 5 — 22-10-2010 Certificate issued to petitioner by M/s. Kiran Silicates Private Limited, dated 31-12-1995.
- Ex.P6 — 22-10-2010 Increment certificate issued to the petitioner, dated 3-8-2000.
- Ex.P7 — 22-10-2010 Letter, dated 5-8-2001.
- Ex.P8 — 22-10-2010 Increment certificate issued in favour of the petitioner, dated 18-7-2002.
- Ex.P9 — 22-10-2010 Emolument revised letter dated 19-5-2008.
- Ex.P10 — 22-10-2010 Transfer order, dated 7-7-2008
- Ex.P11 — 22-10-2010 Leave letter of the petitioner, dated 6-10-2008.
- Ex.P12 — 22-10-2010 Letter dated 15-10-2008 addressed to the petitioner.
- Ex.P 13 — 22-10-2010 Pay slip of the petitioner for the month of May 2008.
- Ex.P 14 — 22-10-2010 E.S.I card of the petitioner with family photo, dated 30-10-2008.

Ex.P15 — 22-10-2010 Letter sent by the petitioner to the management, dated 14-11-2008.

Ex.P16 — 22-10-2010 Letter sent by the management to the petitioner, dated 10-12-2008.

Ex.P 17 — 22-10-2010 Letter sent to the Conciliation Officer, dated 7-4-2009.

Ex.P18 — 22-10-2010 E.S.I Medical certificate of the petitioner, dated 30-8-2008.

Respondent's exhibits:

- Ex.R1 — 16-7-2011 Warning Notice, dated 5-8-2006
- Ex.R2 — 16-7-2011 Final warning notice, dated 18-8-2006.
- Ex. R3 — 16-7-2011 Warning notice, dated 31-7-2006
- Ex.R4 — 16-7-2011 Memo, dated 18-9-2006
- Ex.R5 — 16-7-2011 Memo addressed to the petitioner dated 22-6-2007.
- Ex.R6 — 16-7-2011 Memo addressed to the petitioner, dated 2-7-2008.
- Ex.R7 — 16-7-2011 Explanation given by the petitioner, dated 5-7-2008.
- Ex.R8 — 16-7-2011 Memo addressed to the petitioner, dated 23-7-2007.
- Ex.R9 — 16-7-2011 Re-appointment order issued to the petitioner, dated 13-7-2007.
- Ex.R10 — 16-7-2011 Warning letter, dated 19-1-2006.
- Ex.R11 — 16-7-2011 Letter addressed to the petitioner, dated 5-3-2005.
- Ex.R12 — 16-7-2011 Memo, dated 2-7-2008.
- Ex.R13 — 16-7-2011 Memo addressed to the petitioner, dated 27-8-2008.
- Ex.R14 — 16-7-2011 Memo addressed to the petitioner, dated 1-3-2006.
- Ex.R15 — 16-7-2011 Termination order issued to the petitioner, dated 15-10-2008.
- Ex.R16 — 16-7-2011 Letter, dated 24-10-2008 addressed to the petitioner.
- Ex.R17 — 16-7-2011 Reply letter given by the respondent, dated 10-12-2008.
- Ex.R18 — 16-7-2011 Standing orders of the respondent company.

R. MARGARET ROSALINE,
Presiding Officer, Labour Court,
Karaikal.